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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,909	09/30/2003	George Duncan Pearson	1021-005US02	2080

28863 7590 02/26/2008  
SHUMAKER & SIEFFERT, P. A.  
1625 RADIO DRIVE  
SUITE 300  
WOODBURY, MN 55125

EXAMINER
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TARAE, CATHERINE MICHELLE

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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02/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ssiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/675,909	PEARSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	C. Michelle Tarae	3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/15/04, 3/26/04, 11/23/04, 4/6/05, 1/18/06,</u>              | 6) <input type="checkbox"/> Other: _____.                         |
| <u>12/14/06, 2/1/08.</u>                                                               |                                                                   |



### **DETAILED ACTION**

1. The following is a Non-Final Office Action in response to the communication received on September 30, 2003. Claims 1-20 are now pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Elkin et al. (U.S. 2007/0179828).

As per claim 1, Elkin et al. discloses a system comprising:

an application server to execute an enterprise planning session for a set of enterprise contributors in accordance with an enterprise model, wherein the enterprise model defines hierarchically arranged nodes and associates the enterprise contributors with the nodes (paragraphs 13, 15, 40; Figure 3; An enterprise model application allows users to define enterprise models in a hierarchical fashion.); and

an administration console that supports node-level modification of the enterprise planning model without preventing execution of the enterprise planning session by the

application server (paragraph 13; Users may edit the enterprise model without affecting current enterprise operations.).

As per claim 2, Elkin et al. discloses the system of claim 1, wherein the administration console receives updated model information from the analyst, and updates the enterprise planning model based on the updated model information (paragraphs 146 and 196; An updated process model may be overlaid on the existing process model in real-time.).

As per claim 3, Elkin et al. discloses the system of claim 2, wherein the administration console modifies business logic software modules in response to the updated model information (paragraphs 196-198).

As per claim 4, Elkin et al. discloses the system of claim 1, wherein the application server receives and processes contribution data from enterprise contributors associated with the nodes of the model (paragraphs 198 and 200; Contribution data, or task data, are associated with enterprise contributors, or roles.).

As per claim 5, Elkin et al. discloses the system of claim 2, wherein the administration console reconciles the contribution data by defining reconciliation jobs for execution by the application server to reconcile the contribution data with the updated model information (paragraphs 197-198; When the updated enterprise model is installed, the run-time system interprets the data and reacts accordingly.).

As per claim 6, Elkin et al. discloses the system of claim 2, wherein the administration console reconciles the contribution data by defining reconciliation jobs for execution by remote computers of the enterprise contributors to reconcile the previously

received contribution data with the updated model information (paragraphs 197-198; When the updated enterprise model is installed, the run-time system interprets the data and reacts accordingly by assigning tasks to roles that can handle the tasks.).

The method and computer-readable medium claims 7-20 recite limitations similar to the system claims 1-6 already rejected above. Therefore, claims 7-20 are rejected on the same basis as claims 1-6 above.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Myrick et al. (U.S. 2004/0143470) discusses modeling business information technology;
- Radhakrishnan (U.S. 2004/0045014) discusses a strategic technology architecture roadmap;
- Sanches (U.S. 2003/0018510) discusses enterprise action management;
- Adler (U.S. 2002/0169658) discusses modeling business decisions;
- Sanders (U.S. 6,411,936) discusses enterprise value enhancement.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-

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6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/C. Michelle Tarae/  
Primary Examiner, Art Unit 3623

February 15, 2008